

James P. Walsh, CSB. No. 184620
 Gwen Fanger, CSB No. 191161
 DAVIS WRIGHT TREMAINE LLP
 505 Montgomery Street, Suite 800
 San Francisco, California 94111-3611
 Telephone: (415) 276-6500
 Facsimile: (415) 276-6599
 budwalsh@dwt.com

Attorneys for Defendants and Claimant
 BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and
 Claimant, F/V POINT LOMA Fishing Company, Inc.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.,
 Plaintiff,

v.

BARRY COHEN, CHRIS COHEN (aka
 CHRISTENE COHEN), *in personam* and,
 F/V POINT LOMA, Official Number
 515298, a 1968 steel-hulled, 126-gross ton,
 70.8 foot long fishing vessel, her engines,
 tackle, furniture apparel, etc., *in rem*, and
 Does 1-10,
 Defendants.

No. C-07-2952-WHA

**STIPULATED REQUEST FOR
 ORDER ENLARGING TIME FOR
 HEARING ON PLAINTIFF'S MOTION
 FOR SUMMARY JUDGMENT OR,
 ALTERNATIVELY, PARTIAL
 SUMMARY JUDGMENT**

**Hearing Date: April 3, 2008
 Time: 8:00 a.m.
 Place: Courtroom 9, 19th Floor**

Pursuant to Local Rule 6-2, the parties jointly submit this Stipulated Request for Order Enlarging Time for Hearing on Plaintiff's Motion for Summary Judgment or, Alternatively, Partial Summary Judgment ("Stipulated Request"). The hearing on Plaintiff's Motion for Summary Judgment or Alternatively, Partial Summary Judgment is currently noticed for April 3, 2008. The parties respectfully request that this Court grant the Stipulated Request to change the hearing to April 10, 2008.

I. BASIS FOR STIPULATED REQUEST

On February 28, 2008, Plaintiff filed a Notice of Motion and Motion for Summary Judgment or Alternatively, Partial Summary Judgment ("Motion for Summary Judgment"). The hearing on the Motion for Summary Judgment was noticed for April 3, 2008 at 8:00 a.m. Pursuant to this Court's Case Management Order, dated September 5, 2007 ("Case Management Order"), February 28, 2008 was the last day to file dispositive motions. As a result, the last day for hearing dispositive motions pursuant to the Case Management Order, including the Motion for Summary Judgment, falls on April 3, 2008.

The current hearing date directly conflicts with a pre-existing scheduled hearing that Defendant's attorney, Mr. James Walsh, must attend out of the country on the same date. Mr. Walsh must attend a scheduled summary judgment motion hearing before the Federal District Court in Guam on April 3, 2008. The opposing party is the United States and the case is *United States v. F/V MARSHALLS 201*, Case No. 06-00030. See Declaration of James Walsh in Support of Stipulated Request for Order Enlarging Time for Hearing on Plaintiff's Motion for Summary Judgment, para. 3 ("Walsh Dec."). This hearing has been scheduled prior to the notice for Motion for Summary Judgment and cannot be changed. *Id.*

In light of Mr. Walsh's direct conflict, the parties have agreed to request that the Court change the date of the hearing to April 10, 2008, which is the following week and the Court's next available hearing date for civil motions. The parties agree that such change in the hearing date will have no effect on the deadlines for opposition and reply motions with respect to the Motion for Summary Judgment. In addition, the parties agree that such change will not require any additional changes to the Court's current pre-trial and trial schedule in this case.

II. PREVIOUS TIME MODIFICATIONS

There have been no changes to the schedule set forth in the Case Management Order. With the exception of the Court's Order Granting Defendants' Motion for Administrative Relief to Shorten Time for Hearing Defendant's Motion for Protective Order Limiting Deposition of Christene Cohen, dated December 19, 2007, there have been no other time modifications in this

DAVIS WRIGHT TREMAINE LLP

1 case. Walsh Dec. at para. 4.

2 **III. EFFECT ON CASE SCHEDULE**

3 The proposed change in the hearing date will have no effect on the current case schedule
4 set by the Case Management Order. The final pretrial conference in the above captioned case is
5 set for May 5, 2008 and the trial is scheduled to begin on May 19, 2008 pursuant to the Case
6 Management Order. If the Stipulated Request is granted, there will be no need for any changes to
7 the existing pre-trial and trial schedule if the Motion for Summary Judgment hearing is changed
8 by one week to April 10, 2008. Moreover, the parties will adhere to the deadlines for opposition
9 and reply briefs based on the noticed April 3, 2008 hearing date for the Motion for Summary
10 Judgment.

11 **IV. CONCLUSION**

12 For these reasons, the parties respectfully request the Court grant the Stipulated Request
13 and change the hearing date for the Motion for Summary Judgment to the Court's next available
14 hearing date for civil motions to April 10, 2008.

15 DATED this 4th day of March, 2008.

16
17 Respectfully submitted,

18
19 /s/ James P. Walsh
James P. Walsh

20 DAVIS WRIGHT TREMAINE LLP
21 Attorneys for Defendants, BARRY COHEN,
22 CHRIS COHEN, F/V POINT LOMA and the
F/V POINT LOMA FISHING COMPANY,
INC.

23
24 *3-5-08*
25 Gregory W. Poulos
Max L. Kelley

26 COX, WOOTTON, GRIFFIN, HANSEN &
27 POLOUS, LLP
Attorneys for Plaintiff, DEL MAR
28 SEAFOODS, INC.